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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Cooperation with representatives of United Nations human rights bodies

Note by the Secretary-General

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Introduction

1. At its forty-sixth session the Commission on Human Rights adopted resolution 1990/76, entitled "Cooperation with representatives of United Nations human rights bodies". In this resolution the Commission recalled that private individuals and groups should feel free to avail themselves, without fear of intimidation or reprisal, of the various procedures established by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by various human rights instruments, for drawing attention to alleged violations of human rights. It expressed concern about cases reported to United Nations organs by private individuals and groups who, before or after cooperating with representatives of United Nations human rights bodies or treaty bodies, have been subjected to harassment, ill-treatment and detention or imprisonment or other forms of hardship, as well as about reports from relatives or those dear to such individuals who have themselves been subjected to similar treatment. It also expressed concern about reports that relatives of disappeared persons, when seeking to clarify the fate or whereabouts of the victims through the appropriate channels, had frequently been subjected to reprisals, as had the organizations to which they belonged. In the same resolution, the Commision requested all representatives of human rights bodies reporting violations of human rights to the Commission or to the Sub-Commission to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisals and to devote special attention to the question in their respective reports to the Commission or to the Sub-Commission. The Commission also requested the Secretary-General to submit to the Commission at its forty-eighth session any available information, from all appropriate sources, on reprisals against witnessess or victims of human rights violations.

2. At its forty-seventh session the Commission adopted resolution 1991/70, in which it urged Governments to refrain from all acts of intimidation or reprisal, in any form, against private individuals and groups who sought to cooperate with the United Nations and representatives of its human rights bodies, or who had sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms, and requested all representatives of United Nations human rights bodies as well as treaty bodies monitoring the observance of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the access to United Nations human rights procedures being hampered in any way. In addition, the Commission requested such representatives and treaty-monitoring bodies to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in that regard. The Commission also invited the Secretary-General to submit to the Commission at its forty-eighth session a report containing any available information, from all appropriate sources, on alleged reprisals against witnesses or victims of human rights violations to the Commission at its forty-eighth session.

I. INFORMATION RECEIVED PURSUANT TO COMMISSION ON HUMAN RIGHTS RESOLUTION 1991/70

3. Information received pursuant to resolution 1991/70 covers a great variety of situations in which persons have suffered reprisals for availing or attempting to avail themselves of United Nations human rights procedures or have been subjected to intimidation to prevent them from doing so. Particular mention was made in this regard to relatives of victims of human rights abuses and their legal counsel, officials involved in the administration of justice and experts assisting judges in the investigation of cases, members of human rights organizations, social and health workers, leaders and members of indigenous communities and clergymen who participate in or support community activities relating to human rights. In several cases, the representatives of human rights bodies, in accordance with their rules of procedure or methods of work, took action for the protection of such persons. The action taken is described in the following section and in the annex to this report. It was taken in cases in which the victim of intimidation or reprisal, or a relative, representative, or a non-governmental organization on his or her behalf, had addressed requests for protection to United Nations human rights representatives.

4. In addition to specific requests for protection, reports concerning intimidation or reprisals in a particular country or in relation to certain groups of persons were also received from non-governmental organizations.

5. The Centre for the Independence of Judges and Lawyers of the International Commission of Jurists and the Lawyers Committee for Human Rights submitted publications concerning attacks on and harassment and persecution of judges and lawyers who deal with cases of violations of human rights. Both organizations stressed the importance of the adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Basic Principles on the Role of Lawyers which address, inter alia, effective access to legal assistance for all groups in society; the rights of the accused to counsel and legal assistance of their own choosing; the right of lawyers to undertake the representation of clients or causes without fear of repression or persecution; and the obligation of lawyers to keep communication with their clients confidential, including the right to refuse to give testimony on such matters. Reports were received on more than 500 cases, which occurred in 64 countries, of judges and lawyers who were subjected to reprisals for their activities in the defence of human rights, for their representation in court of victims of human rights violations, for their public statements on government decisions affecting human rights or on violations of human rights committed by government officials, or for their legal action to bring those responsible for such violations to justice. In a number of cases, reprisals took the form of the killing of the lawyers or judges or attacks against their physical integrity or against their property. Other kinds of reprisals were arrest, detention or torture or other degrading treatment while in detention, and administrative measures, such as removal from a case or from a position, or other "disciplinary" measures. For some of the cases included in those reports a request for protection was received by a representative of United Nations human rights bodies. Action taken in such cases is reflected in the annex to this report.

6. In a report entitled "Health personnel: victims of human rights violations", Amnesty International refers to situations in which the practice of medicine or community health care in rural districts is apparently regarded by the military or security forces as linked to subversion and political opposition. Several doctors and psychiatrists are mentioned in the report as having been the object of various forms of persecution, detention and even assassination in reprisal for having denounced the practice of torture or for their help to torture victims and their relatives. According to the report, health personnel are thus punished for remaining faithful to their moral and professional obligations, as embodied in a number of professional standards, international declarations and humanitarian pacts.

7. Information was also received from Amnesty International and local human rights organizations about a wave of death threats against members of popular organizations, political groups and foreign workers in El Salvador during the months of May and June 1991. In particular, it was alleged that death threats were issued against persons in respect of their possible future cooperation and contacts with the United Nations Observer Mission in El Salvador (ONUSAL). Other groups whose members were said to have been subjected to threats and intimidation are the Christian Committee for the Displaced of El Salvador, (Comité Cristiano Pro Desplazados de El Salvador) and the Committee of Relatives of the Political Prisoners and Disappeared of El Salvador (Comité de Familiares Pro-Libertad de Presos y Desaparecidos Políticos de El Salvador).

8. Other reports have been received in connection with resolution 1991/70 from Amnesty International, Americas Watch, the Commission on Human Rights in El Salvador, the Committee for the Defence of Human Rights in Honduras, Helsinki Watch, the National Human Rights Co-ordinating Body of Peru and Physicians for Human Rights, which describe intimidation and reprisals in a particular country or in relation to an individual case and are available for consultation with the secretariat.

9. In some of these reports it was indicated that, in certain countries, the danger involved in reporting summary executions, disappearances, torture or other serious violations of human rights often inhibited people from denouncing such violations to the authorities. It was said that those trying to monitor human rights violations or those who were striving to document abuses committed by government forces were often subjected to campaigns of terror. It was also reported that relatives who sought the exhumation of corpses discovered in clandestine cemeteries found their efforts obstructed by death threats and that attempts were made to prevent exhumations by threatening foreign forensic specialists, participating in the exhumations at the request of the judiciary.

10. According to information received, in several countries human rights organizations which regularly report to United Nations human rights bodies were labelled by the authorities as "traitors" or accused of being linked to subversive armed groups because of their criticism of certain government policies, such as the granting of amnesty to those responsible for serious human rights violations, or because of their public denunciation of abuses committed by government forces. It was also reported that in a number of countries, where acts of intimidation and reprisal were said to occur on a large scale, campaigning for the implementation of human rights standards, or

humanitarian action to alleviate the suffering of victims of human rights violations or their relatives, is seen as a form of involvement in subversion or as an impeachment of the anti-subversive activities of the military or security forces. A similar attitude was reported in relation to public criticism of the ineffectiveness of internal remedies for the victims of abuses or of measures taken by the authorities to ensure impunity for those identified as responsible for human rights abuses. Attention was drawn to the particularly serious situation in countries where death squads or paramilitary groups operate with the acquiescence of the Government, since such groups frequently take reprisals in the form of extra-judicial executions against those identified as opponents of the Government or of its anti-subversive policies.

11. In other countries, acts of intimidation or reprisal were described as taking the form of constant harassment (such as summons to police stations, warnings to stop activities, threats of detention), detention, persecution and defamation of leaders or persons belonging to the organizations concerned with the promotion of human rights.

II. ACTION TAKEN BY THE REPRESENTATIVES OF UNITED NATIONS HUMAN RIGHTS BODIES

A. The Human Rights Committee

12. The Human Rights Committee, the monitoring body of the International Covenant on Civil and Political Rights, has, in the past, made pronouncements on the question of reprisals against and intimidation of persons who had placed communications before it.

13. In a decision adopted on 3 April 1987 (CCPR/C/29/D/155/1983), the Committee noted with concern that:

> "based on the information provided by the State party, the decision to expel Eric Hammel would appear to have been linked to the fact that he had represented persons before the Human Rights Committee. Were that to be the case, the Committee observes that it would be both untenable and incompatible with the spirit of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, if States parties to these instruments were to take exception to anyone acting as legal counsel for persons placing their communications before the Committee for consideration under the Optional Protocol."

In addition, in a decision taken in 1989 (CCPR/C/37/D/241/1987 and 242/1987), the Committee stressed that:

> "it would be untenable and incompatible with the Covenant and the Optional Protocol if States parties to those instruments were to take exception to anyone's placing a communication before the Committee under the Optional Protocol. Indeed, such allegations, if established as true, would disclose grave violations of a State party's obligations under the Covenant and the Optional Protocol."

B. Thematic mechanisms of the Commission on Human Rights

1. The Working Group on Enforced or Involuntary Disappearances

14. The Working Group on Enforced or Involuntary Disappearances reported that in accordance with Commission resolutions 1991/70 and 1991/41 it had decided to take action ("prompt intervention") in any case of intimidation or reprisal against individuals or institutions, public or private, reporting or investigating cases or situations relating to disappearances, and also in those cases where access to United Nations human rights procedures had been the cause of intimidation or reprisals. Such action would be taken when there was a request from the individual concerned or from a non-governmental organization having a working relationship with the Working Group or having made a responsible judgement as to whether action by the Working Group would be in the interest of the potential victim (see E/CN.4/1992/18, para.34).

15. During 1991, the Working Group sent "prompt intervention" communications to the Governments of China, Colombia, Ecuador, Guatemala, Honduras and Peru. This action was taken for the protection of relatives of missing persons, members of their organizations, witnesses to disappearances or persons threatened or attacked for their reports or investigation of cases of disappearances or for their public denounciation of such cases.

2. The Special Rapporteur on torture

16. The Special Rapporteur on torture has adopted a "prompt intervention" procedure similar to that of the Working Group on Enforced or Involuntary Disappearances. He took action under resolution 1991/70 in relation to two cases that reportedly occurred in Turkey and in the Islamic Republic of Iran (see E/CN.4/1992/17).

3. The Special Rapporteur on summary or arbitrary executions

17. The Special Rapporteur on summary or arbitrary executions sent several urgent communications to Governments concerned in relation to individuals, groups or organizations covered by resolution 1991/70. In general, action was taken by the Special Rapporteur following reports concerning death threats, attacks or other forms of intimidation or reprisal occurring in a context which suggested that the life or physical integrity of a person was at risk. In all the cases, the Special Rapporteur drew the attention of the Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, annexed to Economic and Social Council resolution 1989/65 of 24 May 1989, which reads:

> "Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitary or summary executions, including those who receive death threats".

18. In addition, the Special Rapporteur recalled resolution 1991/70 and requested that he be informed of the measures taken by the Government concerned to protect the life and physical integrity of the persons mentioned in his transmission to the Government, and that it provide the assurance that the provisions of Commission on Human Rights resolution 1991/70 would be respected. During 1991, the Special Rapporteur took action in pursuance of resolution 1991/70 in relation to cases that allegedly had occurred in Argentina, Brazil, Colombia, El Salvador, Guatemala, India, Paraguay, the Philippines, South Africa, Sri Lanka and Turkey (see E/CN.4/1992/20).

C. Representatives of the Commission on Human Rights on country situations

19. Several of the Special Rapporteurs, Special Representatives or Experts of the Commission on Human Rights reporting on situations in specific countries intervened with the Governments concerned in relation to particular cases of reprisal or intimidation brought to their attention by the victims, their relatives or organizations acting on their behalf. In other cases they reflected allegations in their reports, according to which certain individuals who had been a source of information for them, or non-governmental organizations which were actively cooperating with them, had been subjected to serious acts of intimidation or reprisals for their activities in relation to the defence of human rights. For 1991, reference can be made to the following reports which were available at the time of completion of the present report:

(a) Report of the Special Representative on the situation of human rights in Cuba (E/CN.4/1992/27);

(b) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1992/34);

(c) Report of the Independent Expert on the situation of human rights in Guatemala (E/CN.4/1992/5).

The relevant parts of these reports are reflected in the annex.

Annex

ALLEGATIONS OF INTIMIDATION AND REPRISAL RECEIVED AND PROCESSED BY REPRESENTATIVES OF UNITED NATIONS HUMAN RIGHTS BODIES

A. Working Group on Enforced or Involuntary Disappearances
(see doc. E/CN.4/1992/18)

China

Rinzin Dolkar, aged 14, was reported to have been threatened on a daily basis at her home by police officers who told her that she would be imprisoned for having reported the arrest at their home in Tibet of her father and her three brothers and their subsequent detention (para. 83).

Colombia

Libardo González and Elicer Mercado, both relatives of members of a group of 41 peasants of Puerto Bello, Turbo district (who were reportedly abducted by a paramilitary group and are still missing) were reported to have been killed on 29 June and 9 July 1991, respectively, by armed men in plain clothes. These killings were said to be reprisals and also a warning to other relatives of the 41 peasants to stop their investigations in relation to those disappearances (para. 94).

Ecuador

Hugo Efrain España Torres, a former police officer and a key witness to the disappearance of two young men detained by the police, who is being held in prison in relation to the investigation of those disappearances, was reported to have been the victim of an attempted poisoning at the beginning of October 1991 (para. 118).

Guatemala

1. Representatives of several Guatemalan non-governmental organizations which have been a source of information for the Working Group for years, such as the Mutual Support Group (GAM), the Centre for Research, Study and Promotion of Human Rights (CIEPRODH), the Ethnic Communities Council "Rumujel Junam", and the Association of University Students (AEU) attended the forty-seventh session of the Commission on Human Rights. They reported that, since members of their organization had been killed in the past by persons supposed to be linked to official forces and since some of them had received threats before leaving Guatemala, they feared for their lives upon returning to their countries (paras. 152, 158, 159).

2. Nineth de García, a leader of the Mutual Support Group, an organization of relatives of disappeared persons in Guatemala, was reported to have received for weeks anonymous death threats on the phone ordering her to stop her public denunciation of disappearances in Guatemala and of clandestine cemeteries found in that country. She reported that she had also been followed by men on motorcycles in the streets of Guatemala city (para. 159).

3. A group of national and international forensic anthropologists had put their expertise at the service of a group of relatives of disappeared persons who wished to identify human remains found in a clandestine cemetery

located in Chantalá, municipality of Chichicastenango, department of El Quiché, which they believed could be those of their missing relatives. Foreign experts had been cooperating with national forensic doctors working for the Guatemalan Judiciary. They had succeeded in identifying some bodies and in establishing that they had been victims of summary executions. Their work was interrupted following death threats against the foreign forensic experts and relatives of the victims by civil defence patrols, which attempted in this way to obstruct exhumations (para. 161).

Honduras

Marco Tulio Hernández, the brother of a missing person and the son of the President of the Committee of Relatives of Disappeared Detainees in Honduras was killed in San Pedro Sula, his home town, in July 1991 (para. 174).

Peru

1. Augusto Zúñiga Paz, head of the legal office of the Human Rights Commission (COMISEDH) in Lima, was the legal counsel for relatives of Ernesto R. Castillo Páez (a student who was reportedly detained by the police in October 1990 and subsequently disappeared) in habeas corpus proceedings initially upheld by two Lima courts, but later annulled by the Supreme Court. Apparently as a consequence of his involvement in the Ernesto Castillo Paez case, Dr. Zúñiga had received death threats. He had informed the Supreme Court of the threat, prior to making an oral statement to the Court in relation to the case. On 15 March 1991, a large envelope was delivered by hand to the offices of COMISEDH, addressed to Dr. Zúñiga. It reportedly bore a stamp on it indicating that it originated from the offices of the Secretary to the President of Peru. An explosive device was detonated when Dr. Zúñiga opened the envelope and his left forearm and hand were blown off. His office in the headquarters of COMISEDH suffered considerable damage (para. 287).

The Government replied that a special commission had been established to investigate the attack on Dr. Zúñiga Paz and the offices of COMISEDH, while measures had been taken for the protection of the life and security of Dr. Zúñiga Paz (para. 291).

2. On 4 July 1991, 15 men, women and minors of the Santa Barbara peasant community, department of Huancavelica, were detained by soldiers acting in conjunction with a civil defence patrol. The detentions were never acknowledged. On 11 July a relative of one of the disappeared minors claimed to have found the child's body in an abandoned mine, where he reported having seen a number of other bodies. This was reported to the provincial prosecutor and to a judge in Huancavelica. On 14 July, a delegation of members of the Santa Barbara community attempted to visit the mine, but was prevented from approaching the place by military personnel. On 18 July, a judge entered the mine in the presence of the provincial prosecutor and members of the police, the armed forces and the media: they found various human remains, items of clothing, used explosives and other items. During the investigation on 18 July, 23 members of the Santa Barbara community were detained by the army when they reached the mine, of whom 21 were subsequently released. Concern was

expressed by several non-governmental organizations that the life of persons who reported the detention and subsequent disappearance of the 15 members of the Santa Barbara community, as well as the life of witnesses to their detention and summary execution, was in danger, in particular because of such precedents as the murder and disappearance of several witnesses to the 1989 massacre of members of the Cayara peasant community (para. 278).

The Government reported on the results of the investigations into violations of human rights against members of the Santa Barbara community which had provided evidence that a patrol of the counter-subversive batallion No. 43 was responsible for the abuses; some of its members had been charged with offences such as homicide, rape and other abuses against persons and their property before the War Council of the Second Judicial Zone of the Army. In relation to the protection of witnesses, the Government stated that the case of Cayara, mentioned in the cable, could not be considered as a precedent for fearing for the life and security of witnesses in the Santa Barbara case because after investigation of the Cayara case, no charges were made against members of the armed forces. Furthermore, the investigation of the alleged assassination of witnesses had not lead to conclusive results (notes verbales dated 1 November 91 and 2 December 91).

3. Juan Arnaldo Salomé Adauto, Víctor Luis Salomé Adauto and Rodolfo Alberto Salomé Adauto were reported to be at risk since Juan Arnaldo had escaped from military barracks where he had been held in unacknowledged detention for one and a half months (from 24 April to 10 June 1991). According to the report, once he was at liberty he went to the Office of the Prosecutor (Ministerio Público) to give testimony on his unacknowledged detention and torture, and provided the names of other persons who were detained in the barracks in the same conditions as himself. The report also indicated that, after he had escaped from the barracks, his house had been raided by armed men in plain clothes, who beat his brothers Víctor Luis and Rodolfo Alberto, both minors. They feared that reprisals could be taken against them, as well as against Juan Arnaldo, because of the latter's testimony (para. 278).

B. Special Rapporteur on torture
(see doc. E/CN.4/1992/17)

Islamic Republic of Iran

Massoud Afravi, who had provided testimony to the Special Representative of the Commission on Human Rights during the latter's visit to Iran in January 1990 was reported to have been arrested on 30 January 1990 at his home and detained at Shahr Rey prison, Nikonam Street, near Teheran, where he was allegedly tortured and subsequently sent to the Pars hospital for treatment. According to the report, he escaped from the hospital and eventually fled the country. A medical certificate concerning a large scar in his left upper arm allegedly coincided with his report on the torture he was subjected to (paras. 24, 122).

Turkey

Yavus Binbay, president of the Turkish Human Rights Association in Van and a member of the Executive Committee of that organization at the national level, who had been reporting regularly on the human rights situation in that region, was allegedly threatened by members of the Security Department in the city of Van in April 1989 and March 1990. After the threats, he reportedly had two car accidents under circumstances which he believed were provoked. It was also reported that he was under permanent surveillance by members of MIT (a security service) and by local members of the Security Department. Given the fact that in the past he had been imprisoned and subjected to torture, fear was expressed that he could again be arrested and ill-treated (paras. 23, 245).

The Government replied that the official attorney of the city of Van asked Mr. Binbay to come to his office and meet him there. During the meeting, Mr. Binbay had confirmed the allegations contained in the report received by the United Nations and indicated that he believed that the threats originated from "powerful groups". However, since he had not been wounded in the car accidents, he had not reported his case to the competent authorities (letter dated 20.12.91).

The Special Rapporteur on summary or arbitrary executions
(see doc. E/CN.4/1992/30)

Argentina

Mrs. Bonafini and other members of the Mothers of the Plaza de Mayo received several death threats since February 1991. The premises of the organization in Buenos Aires were entered on four different occasions between 2 March and 4 June 1991 and equipment, money and records of the organization were stolen. The report received indicates that government forces are believed to be responsible for harassment and threats against the organization (para. 482).

Brazil

1. Father Ricardo Rezende, former coordinator of the Pastoral Land Commission (Commisao Pastoral da Terra (CPT)) of Conseiçao do Araguia and members of rural workers' unions received death threats by telephone in connection with their activities of assistance and support to rural workers and their union. The Pastoral Land Commision is a source of information for United Nations human rights representatives (para. 65).

The Government replied that the Ministry of Justice had requested the Governor of Pará to ensure the physical integrity of all those allegedly under threat (para. 78 (c)).

2. Tania Maria Saller Moreira, public prosecutor of Duque de Caixas, Rio de Janeiro state, had received telephoned death threats at work and at home for some time: they had increased since February 1991. She had become well known in the state of Rio de Janeiro because of her prosecution of members of death squads that allegedly killed minors and young adults, and was prosecuting one of them, allegedly the chief of a death squad, when death threats increased alarmingly (para. 78 (a)).

The Government of replied that the Ministry of Justice had recommended that protection by the federal police be given to Tania Saller Moreira on her way to and from the Duque de Caixas court, and that she was already receiving such protection (para. 78 (a)).

3. Father Ladislao da Silva, parish priest of Esperantina, Piani, in north-eastern Brazil, Father Manuel Aparecido Monteiro, parish priest of Monte Santo, Bahia, and Maria Conceiçao Neves Barbosa, lawyer of the Land Pastoral Commision in nearby Bonfim, Bahia, were alleged to have been subjected to death threats and other forms of intimidation (para. 70).

Colombia

1. Mónica Sánchez Arrieta, a lawyer who had devoted herself for the past six years to defending human rights in Medellin, department of Antioquia, apparently received telephone calls on 5 February 1991 accusing her of defending guerrilla fighters and threatening her with death. Two days later, it was alleged that she received a "sufragio" (invitation to her own funeral) for 10 February. According to the report, Ms. Sánchez Arrieta had acted as counsel for the Committee for Solidarity with Political Prisoners (CSPP) and had defended political prisoners and investigated cases of extrajudicial executions, disappearances and torture in which members of the security forces were implicated. The threats were allegedly reported to the Antioquia district attorney, the Committee on Human Rights of the Office of the Attorney General, and the Committee on Human Rights of the National Directorate of Criminal Investigation (para. 99).

The Government replied that the Presidential Adviser for Human Rights had investigated the case and contacted Ms. Mónica Sánchez Arrieta, who had stated that she had never requested protection but only reported the threats to the Administrative Department for Security (DAS), which was carrying out an investigation (para. 120, 126 (b)).

2. Elkin de Jesús López Ospina, a peasant leader and member of the Municipal Committee for the Defence, Protection and Promotion of Human Rights, in the municipality of Tibu, north Santander, reportedly received death threats in April 1991 from a paramilitary group which was suspected of having links with the army. He was said to have reported these incidents to the municipal attorney on 18 April 1991 (para. 103).

The Government replied that, according to investigations made by the Administrative Department for Security (DAS), there was evidence that Mr. López Ospina had been threatened with death. However, it had been impossible to establish contact with him, because he was allegedly under medical treatment in a place unknown to the authorities (para. 113 (d)).

3. Eduardo Umaña Mendoza, a lawyer acting as legal counsel for the relatives of several members of a family who were assassinated in September 1991 in the locality of Fuagasuga, Cundinamarca, who has cooperated with representatives of United Nations human rights bodies, received death threats in October 1991. He was again threatened in November 1991, in spite of the protection given to him by the Government. Relatives of the persons killed in September 1991 were also threatened in relation to their legal action for the investigation of the case (para. 105).

The Government replied that, in agreement with Mr. Umaña Mendoza, the National Directorate of Criminal Inquiries and the Administrative Department for Security (DAS) were in charge of his protection. An official escort and a special vehicle were provided to the lawyer. The threats were being investigated by DAS (para. 122).

4. Two lawyers, Peña Barros and Antury, who belong to the Committee of Solidarity with Political Prisoners of Cali, received a letter containing death threats, apparently for their activities to investigate the assassination of a trade-union leader in 1989. According to the report, the armed forces had recognized their responsibility for the crime (para. 111).

Cuba

Eriberto del Toro Argote and Miriam Zaragoza Pérez, human rights activists, were reported to have received death threats, allegedly for their activities in relation to the Cuban Committee for Human Rights (CCPDH) (para. 133).

El Salvador

1. Armando Salazar, Chairman of the Committee of Relatives for the Freedom of Political Prisoners and Disappeared Persons in El Salvador "Marianel García Villas" (CODEFAM), Guadalupe Mejía, Vice-Chairman, and Fidelina Alvarenga, Margarita Alemán, Cristina Cardoza and Mauricio Martínez, members of that non-governmental organization (which is a regular source of information for United Nations human rights representatives) were reported to have received anonymous phone calls in May 1991, from a man who identified himself as the "Angel of Death". The man mentioned the names of the six members of the leadership and said "we know where you are". The report indicated that four of these persons had previously been detained and one of them had been missing for some time (para. 145).

2. In July 1991, Medardo Gómez, a Lutheran bishop and also the president of the International Association against Torture (IAAT), a non-governmental organization in consultative status with the Economic and Social Council, was reportedly threatened with death by the Salvadoran Anti-Communist Front (FAS), which had previously stated that it would unleash a bloody civil war against those favouring negociations for peace in El Salvador (para. 147).

3. Mirtala López, a member of the Christian Committee for Displaced Persons in El Salvador (CRIPDES), which is a regular source of information for United Nations human rights representatives, received two letter in Séptember 1991 from the Salvadoran Anti-Communist Front (FAS), in which it threatened to eliminate her. Mrs López had been detained by the police in April 1989, together with seven other members of CRIPDES. According to the report, they had all been tortured while in detention and then released without having been charged or tried (para. 155).

Guatemala

1. Amilcar Méndez Urizar, a leader of the Ethnic Communities Council "Runujel Junam" (CERJ), received anonymous telephone threats at his home in April and May 1991. The caller stated that Mr.Méndez would not escape, nor

would his wife or children. Since its foundation, CERJ has allegedly been the target of a wide range of human rights violations. Since March 1990, at least eight members are known to have been killed in circumstances which reportedly suggested official involvement. Since January 1991, three members of CERJ and three relatives of CERJ members had been killed. In addition, many more members of CERJ had allegedly been intimidated and threatened by members of the security forces or those working under their command. The most recent killing of a CERJ member, that of Camilo Ajqui Jimon, in Potrero Viejo, Zacualpa, department of El Quiché, occurred on 14 April 1991 (para. 201).

2. In May 1991, the house of another member of CERJ, Miguel Sucuqui Mejía was surrounded by civil defence patrols, who entered the house asking about the whereabouts of Mr. Sucuqui Mejía. When the patrol leader learnt that he was not there, he threatened to kill Mr. Mejías'wife and all of the family if the threats were reported (para. 198).

The Government replied that threats against Amilcar Méndez Urizar and Miguel Sucuqui Mejía were under investigation by the competent authorities. In the case of Mr. Méndez Urizar, a person identified as responsible for the threats had been detained. In addition, protection had been provided for both persons, but Mr Méndez Urizar had decided to travel abroad with his family (para. 237).

3. Mario Salazar and Julio López, two educators who work for Casa Alianza (Covenant House), an organization that looks after street children in Guatemala and reports regularly to United Nation human rights bodies, were allegedly threatened with firearms by police in plain clothes. According to the report, on 26 January 1991, at about 11 o'clock in the morning, both educators were giving help to a group of children in Guatemala City when they were approached by two individuals in civilian clothes, who pointed their weapons at the heads of Mr. López and of a boy named José Luis González, and took the two educators to the national police headquarters, which the children saw them enter. According to Mr. Salazar and Mr. López, both were interrogated and verbally insulted by members of the police who, after accusing them of creating problems, tried to make them sign a statement claiming that their detention had been an error. In connection with this occurrence, the victims apparently made a report complaining of abuse of authority and abduction. The authors of the report expressed concern at this incident, especially as there had previously been other serious occurrences affecting members of the same organization, such as the abduction and death of Rene Geovanny Soto García in October 1989, and the recent death threats addressed to the director of Casa Alianza, Bruce Harris (paras. 189, 190).

4. Bruce Harris, Executive Director of Casa Alianza and other members of the personnel of the institution were threatened with death, allegedly by members of the security forces. In July 1991, the Casa Alianza building was twice shot at by persons driving a blue car with tinted windows. It was also reported that since the establishment of Casa Alianza, its legal office had requested the investigation of violations of human rights against minors (39 cases of such violations had been reported for which 50 members of the police were allegedly responsible). Those who work for Casa Alianza and witnesses to cases reported by it to the authorities were repeatedly threatened with death, to the point that one of them had had to leave the country (paras. 189, 205).

5. Carmen Reina and Otto Peralta, leaders of the University Students Association (AEU) who attended the forty-seventh session of the Commission on Human Rights were allegedly threatened with death by men believed to be linked to government forces. They reported the threats to the Ministro de Gobernación in a meeting held with him. The incident was the object of particular concern because 12 leaders of AEU had disappeared since 1989 and seven other leaders had been victims of summary executions during the same period. In addition, other members of AEU had recently been subjected to intimidation, persecution and threats (para. 210).

6. Relatives and colleagues of Myrna Mack Chang, Director of the Institute for the Advancement of Sciences (AVANSCO) and a well-known human rights worker, who was stabbed to death in September 1990, feared for their security after the assassination of José Miguel Mérida Escobar, on 5 August 1991. Mr. Mérida Escobar was the chief of the homicide section of the department of criminal investigation of the national police. He had recently presented a report indicating that the homicide of Mrs. Mack Chang was politically motivated and that high-ranking military personnel were involved. When he was killed, Mr. Mérida was preparing to give testimony before the Inter-American Commission on Human Rights (para. 211).

7. Luis Ruiz Saquie and 11 other members of the Mutual Support Group (GAM) (an organization of relatives of missing persons in Guatemala, which regularly cooperates with United Nations human rights bodies) in Tuanaja, Zaculpa, department of El Quiché, were reported to have been threatened with death by members of the Civil Defence Patrols (PAC) of the above mentioned locality. The 12 members of GAM reported that they had witnessed violations of human rights committed by Santos Coj Rodríguez and other members of PAC, who had allegedly tortured and killed their relatives in 1982 and 1983. The bodies of the victims were found in a clandestine cemetery in Tuanaja in April 1989 and the relatives were requesting the investigation of the case by a competent tribunal, since the bodies had been identified. According to the report, Santos Coj Rodríguez was arrested in June 1991, but he had allegedly escaped from prison in October 1991 (para. 229).

India

On 7 December 1991, Mr. Reddy, aged 35, a lawyer and District Unit Convener of the Andhra Pradesh Civil Liberties Committee (an organization which cooperates with United Nations human rights bodies), as well as Secretary of the District Bar Association, was shot dead in his home by four unidentified men travelling on scooters reported to have been without number plates. The District Bar Association reported that Mr. Reddy had previously been threatened by the police in connection with his legal work with political activists and that the Bar Association had requested the district magistrate for the area to intervene to stop the police from harassing Mr. Reddy (para. 264).

The Philippines

1. Romeo Capulong, a human rights lawyer and a member of the Free Legal Assistance Group (FLAG), an organization contributing on a continuing basis to United Nations human rights procedures, was reportedly subjected to intimidation by armed men believed to be linked to the security forces. Mr. Capulong was followed by men in a car, who were believed to be linked to

military intelligence forces. In April 1991 he was intimidated by two armed men in civilian clothes who entered the courtroom during judicial proceedings and asked the escort of the persons Mr. Capulong was defending to identify him. Following identification of Mr. Capulong, the armed men left the courtroom unhindered. According to witnesses, the two men drove away on a red Honda motorcycle with no licence plates. At least three human rights lawyers killed in the past three years have allegedly been shot by unidentified men in civilian clothing riding similar motorcycles (para. 452).

2. On 17 July 1991, Mr. Tombo, a human rights lawyer associated with the Free Legal Assistance Group (FLAG), was reportedly at home with two companions, Benedicto Pacheco and Roberto de Vera. At approximately 11.30 p.m. Mr. Tombo noticed that a motorcycle and a red jeep, each carrying two men, drove past his home. Shortly thereafter they returned. Two men alighted from the vehicles and fired for nearly ten minutes upon Messrs Pacheco, Tombo and de Vera. Mr. Pacheco suffered injuries to his left elbow and ankle; Mr. Tombo was injured in his right arm and his stomach; Mr. de Vera was shot in his right leg and arm. The primary target of the attack appeared to have been Mr. Tombo who had served as defence counsel for political prisoners and persons accused of membership in the New People's Army. Mr. Tombo also served as the president of a peasant cooperative in his home town (para. 453).

3. Wilfred D. Asis, a human rights lawyer and a member of FLAG, was threatened with death in August 1989. Mr. Asis was acting as defence lawyer for six people accused of involvement with the outlawed Communist Party of the Philippines (CCP). The six had been acquitted of subversion on 22 August 1991. On 29 August 1991, Mr. Asis received a letter from someone named Guyong, who claimed to represent the National Democratic Front (NDF). The letter began by praising Mr. Asis for his human rights activities but went on to say he was being "investigated" for the killing of two persons named Leo and Mike. The letter concluded by offering "condolences" on his forthcoming death. Mr. Asis stated that he knew of no persons by the names of Guyong, Leo or Mike. In September 1991, Mr. Asis informed members of the Philippines national police of the threat to his life. A police superintendent was reported to have told him that elements of the Philippines Armed Forces might have been contemplating "getting rid of him". The superintendent had also reportedly advised him to seek the assistance of the Secretary of Justice (para. 455).

4. It was alleged that during the past three years, at least six human rights lawyers had been the victims of extrajudicial executions. Of these six, three were members of FLAG. In addition, during this period many other lawyers had received death threats or had been otherwise intimidated. During 1991, a FLAG lawyer, Nerio Zamora, had reportedly received a death threat from the provincial police commander in Bohol (para. 454).

Sri Lanka

Attorney-at-law D.H. Weerasiri was requested by the Bar Association of Sri Lanka (an organization which has been a source of information for United Nations human rights bodies for the last five years) to appear on behalf of petitioners who had been charged with robbery among other things. Their cases were being heard before the magistrate's courts of Homagama. Allegedly the police told him under threat of death not to appear as counsel in these cases. At the request of the Sri Lanka Bar Association, Mr. Weerasiri nevertheless had continued to represent the petitioners. At the time of the filing of habeas corpus and violation of fundamental rights petitions in the Court of Appeal and the Supreme Court, respectively, Mr. Weerasiri again was requested to represent petitioners when they were produced before the magistrate's court of Homagama. Reportedly, Mr. Weerasiri was once again asked by the police not to appear in these cases. Finally, in late August 1991, Mr. Weerasiri was assaulted on the way to his office. When Mr. Weerasiri attempted formally to complain of the incident at the Homagama police station, he was allegedly ignored (para. 493).

Turkey

Mr. Zubeyir Aydar, a lawyer, Deputy President of the Turkish Human Rights Association (HRA), reportedly began to receive death threats early in 1989 after conducting research on and publishing details of the existence of the so-called "Butcher's River" near Siirt, a place where, allegedly, the bodies of victims of extrajudicial executions were disposed of. It was reported that local military commanders had threatened Mr. Aydar that his body would one day be found in the River. Following Mr. Aydar's publication of the deaths of three detainees who allegedly died under torture in Findik, Siirt province, Mr. Ayder again received a series of death threats. In September 1989, he was exiled to Malatya under the emergency legislation; a second order for his exile issued in July 1990 was cancelled. It was further reported that in August 1991, the Aydar family received information that five village guards from Tasli village had been told by members of the political police to kill Mr. Aydar. On 22 August 1991, four of the five guards appeared in Siirt; they were reported to have been seen entering the police headquarters. Later that day, they appeared outside Mr. Aydar's office. On the same day, police enquired as to the whereabouts of Mr. Aydar: they were told that he was out of town. The following evening, the window of Mr. Aydar's office, which was empty at the time, was smashed. On 27 August 1991, plainclothes police officers reportedly arrived at the office in a vehicle bearing the registration number 56 AT 321. The only person present was Lokman Gunduz, aged 13. Allegedly, the officers seized the boy by the throat and demanded to know the wherabouts of Zubeyir and Evin Aydar. Shortly thereafter, Ms. Aydar reported the incident to the authorities. She received no response. On 27 and 28 August 1991, the village guards again were seen standing opposite Mr. Aydar's office (para. 546).

The Government sent a reply stating that after the assassination of the President of the Diyarbakir section of the Peoples's Labour Party (HEP) by persons disguised as policemen, Zubeyir Aydar had knowingly propagated information claiming that he faced a similar danger. It should be noted that Mr. Aydar was a candidate in the general election of 20 October 1991. Moreover, he did not inform the authorities of Siirt province that he had received any death threat (para. 549).

The Special Representative on the situation of human rights in Cuba (see doc. E/CN.4/1992/27)

In his report to the Commission on Human Rights (E/CN.4/1992/27, paras. 21-24), the Special Representative refers to persons who were allegedly subjected to reprisal for having contacted the United Nations mission which visited Cuba in 1988.

The Special Representative on the situation of human rights in the Islamic Republic of Iran (see doc. E/CN.4/1992/34)

The Special Representative mentions in his report (para. 303) that some prisoners interviewed by him in an Iranian prison stated that they did not feel safe in speaking to the Special Representative because other prisoners met by him on previous occasions had declared that their complaints had resulted in reprisals against them and in one case even in a particularly heavy sentence compared to other cases in which the accusation had been identical.

Kalami Mehrdad, son of Ali Akbar, was reportedly arrested after having been met by the Special Representative during the latter's first visit to Iran in January 1990 and continued to be imprisoned in December 1991 at the Bandar Lanqué prison (para. 368).

In a meeting with a representative of the Iranian Government, the Special Representative drew this case to his attention, stressing that in resolution 1991/70 the Commisson had urged all Governments to refrain from all acts of intimidation or reprisals against those who sought to cooperate with the United Nations and representatives of its human rights bodies.

The Independent Expert on the situation of human rights in Guatemala (see doc. E/CN.4/1992/5)

1. The Expert has reflected in his report (paras. 115 to 129) allegations received from a number of non-governmental organizations, which had been a source of information for him, on violations of human rights committed against their members, including summary executions, disappearances, torture, arbitrary arrest, threats and other forms of intimidation. The Expert observed that the criticism continually being uttered by the human rights organizations in Guatemala should not be dismissed by the Government but should be welcomed as providing an opportunity to revise and refine activities already engaged in, as well as future strategies. From that viewpoint, it was alarming and intriguing that the human rights organizations referred to had suffered heavily during 1991, even paying a considerable death toll. That state of affairs could only be explained by the fact that a widely prevailing mental attitude still considered the advocacy of radical change in internal policies as potentially dangerous, and hence illegitimate and subversive.

2. During his visit to Guatemala in October 1991, the Expert travelled to the villages of Amachel and Cabá, municipality of Chajul, department of El Quiché, accompanied by the Human Rights Attorney of Guatemala. During their flight to Cabá the delegation crossed a military plane and a military helicopter. Upon arrival at Cabá they learnt that the villagers had been fired at by machine gun from a military plane and a military helicopter, which continued overflying the village during the time the Expert remained there (para. 54).

Upon their return to Guatemala City, the Expert and the Human Rights Attorney issued a press communiqué in which, inter alia, they concluded that the civilian population of the village, as well as they themselves, had been in danger of being killed under the military fire and emphatically recommended to the civil and military authorities of Guatemala that they take measures to prevent the occurrence of such incidents that placed the life and the security of the civilian population at risk. In a meeting with the Minister of National Defence the Expert indicated that he did not consider the attack on Cabá to have occurred accidentally because the authorities, including the military authorities, had been advised well in advance of the visit. He also indicated that the villagers were not armed and that he had not seen weapons in the village. The Expert requested the Minister of National Defence to investigate the incident, to take adequate measures against those responsible and to provide a formal reply to his requests. The Expert also addressed a letter to the President of Guatemala concerning the incident (paras. 54, 56).

The President of the Republic replied expressing his concern at the Cabá incident and giving his assurance that there had not been and there would not be indiscriminate firing upon the civilian population by the Army, even in areas of violence. He added that he had ordered a through investigation of the incident in which it had been found that the military aircraft were firing at an insurgent group that had been attacking a military helicopter three kilometres away from Cabá. The President also announced that he had decided to remove from his post the Commander of the Air Force (para. 58).